

REMARKS

Claims 1, 3, 17, 19, 20 and 22 have been amended. Support for the claim amendments can be found at FIGS. 2 and 3 and page 11 of the specification. Claims 1-22 are pending and under consideration. Reconsideration is respectfully requested.

The Applicant thanks the Examiner for the Examiner Interview conducted on November 17, 2005. At the Interview, proposed amendments to the independent claims were discussed. The Examiner advised the Applicant that these amendments would require further search and consideration. Therefore, based on the Examiner's comments, the independent claims have been amended, and a Request for Continued Examination (RCE) is being filed concurrently herewith.

I. REJECTION OF CLAIMS 1-5, 8-11, 14, 17-22 UNDER 35 U.S.C. § 103(a) AS BEING UNPATENTABLE OVER OKAMURA (JP07-199244A)(previously cited) IN VIEW OF CHRAPLYVY (U.S. PATENT NO. 6,580,536)(newly cited):

Claim 1 has been amended to recite "...wherein said threshold value is set based on output light power of said optical amplifying section, insertion loss of optical parts arranged between an output end of said optical amplifying section, and an input end of the stimulated Brillouin scattering generating medium."

Neither Okamura nor Chraplyvy, individually or combined, disclose all of the features recited in amended claim 1 as mentioned above.

Instead, Okamura merely discloses that a signal intensity of 10dBm or above is necessary for generating the stimulated Brillouin scattering (see paragraph [0003] of page 8 in the English translation of Okamura previously submitted by the Applicants). That is, Okamura fails to disclose varying this value according to surrounding conditions of the scattering optical fiber cable 6 such as insertion loss of the branching section 5 as shown in FIG. 1 of Okamura.

In addition, Fig. 3 of Chraplyvy merely discloses output power level of optical signals received at an input of a receiver location, as measured using an optical spectrum analyzer (see column 2, lines 63-67). Chraplyvy fails to make up for the deficiency of Okamura as mentioned above.

Therefore, the combination of Okamura and Chraplyvy fails to establish a prima facie case of obviousness over the present invention.

The above comments would be helpful in understanding differences of various other rejected claims over the cited references. Therefore, it is respectfully submitted that the rejection is overcome.

II. REJECTION OF CLAIMS 6-7 AND 12 UNDER 35 U.S.C. § 103(a) AS BEING UNPATENTABLE OVER OKUMURA IN VIEW OF CHRAPLYVY AND FURTHER IN VIEW OF SUGAYA (U.S. PATENT APPLICATION PUBLICATION NO. 2001/0017729A1)(previously cited):

The comments above for distinguishing over Okamura in view of Chraplyvy may also be applied here. In view of the above, it is respectfully submitted that the rejection is overcome.

III. REJECTION OF CLAIM 13 UNDER 35 U.S.C. § 103(a) AS BEING UNPATENTABLE OVER OKUMURA IN VIEW OF CHRAPLYVY AND FURTHER IN VIEW OF JOHNSON (U.S. PATENT APPLICATION PUBLICATION NO. 2002/0131104A1)(previously cited):

The comments above for distinguishing over Okamura in view of Chraplyvy may also be applied here. In view of the above, it is respectfully submitted that the rejection is overcome.

IV. REJECTION OF CLAIM 15 UNDER 35 U.S.C. § 103(a) AS BEING UNPATENTABLE OVER OKUMURA IN VIEW OF CHRAPLYVY AND FURTHER IN VIEW OF KAI (U.S. PATENT NO. 6,462,844B1)(previously cited):

The comments above for distinguishing over Okamura in view of Chraplyvy may also be applied here. In view of the above, it is respectfully submitted that the rejection is overcome.

V. REJECTION OF CLAIM 16 UNDER 35 U.S.C. § 103(a) AS BEING UNPATENTABLE OVER OKUMURA IN VIEW OF CHRAPLYVY AND FURTHER IN VIEW OF UETSUKA (U.S. PATENT NO. 6,549,696)(previously cited):

The comments above for distinguishing over Okamura in view of Chraplyvy may also be applied here. In view of the above, it is respectfully submitted that the rejection is overcome.

VI. CONCLUSION:

In view of the foregoing amendments and remarks, it is respectfully submitted that each of the claims patentably distinguishes over the prior art, and therefore, defines allowable subject matter. A prompt and favorable reconsideration of the rejection along with an indication of allowability of all pending claims are therefore respectfully requested.

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If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

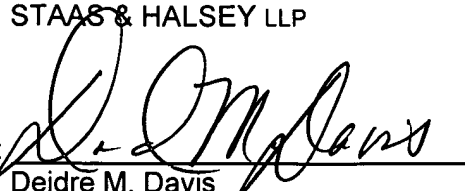
Respectfully submitted,

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